

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

---

John D. Rositzki,

Civil 10-3762 (RHK/FLN)

Plaintiff,

**ORDER**

v.

Michael J. Astrue, Commissioner  
of Social Security,

Defendant.

---

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by  
United States Magistrate Judge Franklin L. Noel dated June 15, 2011, all the files and  
records, and no objections having been filed to said Report and Recommendation,

**IT IS ORDERED:**

1. The Report and Recommendation (Doc. No. 18) is **ADOPTED**;
2. Plaintiff's Motion for Summary Judgment (Doc. No. 13) is **DENIED**;
3. Defendant's Motion for Summary Judgment (Doc. No. 16) is **GRANTED**; and
4. The Complaint (Doc. No. 1) is **DISMISSED WITH PREJUDICE**.

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: July 18, 2011

s/Richard H. Kyle  
RICHARD H. KYLE  
United States District Judge